IN THE HIGH COURT OF JUDICATURE AT BOMBAY

APPELLATE SIDE

WRIT PETITION NO.1911 OF 2004

Maharashtra Rajya Surkasha Rakshak
& General Kamgar Union ..Petitioner.
Vs.
Security Guards Board for Greater Bombay
& Thane District & Ors. ..
Respondents.

....

Mr. S.S. Pakale for the petitioner.

Ms. Lata Desai for respondent No.1.

Mr. R.M. Joshi for respondent No.2.

....

CORAM : S. RADHAKRISHNAN &
DR.D.Y.CHANDRACHUD, JJ.

23rd November, 2004.

P.C. :

1. Rule. Ms. Lata Desai, Learned Counsel, appears and waives service of rule on behalf of respondent No.1. Mr. R.M. Joshi, Learned Counsel, appears and waives service of rule on behalf of respondent No.2. By consent, the matter is taken up for final hearing today.

2. We have heard the learned counsel for the parties.

3. This petition is filed by the petitioner for grant of an appropriate relief in favour of the Security Guards whose names are shown at Exhibit “A” in accordance with the provisions of the Maharashtra Private Security Guards (Regulation of Employment and Welfare) Act, 1981 (“the Act”, for short) and the Scheme framed thereunder.

4. Our attention was invited to the relevant provisions of the Act and a decision of the Division Bench of this Court in Maharashtra Suraksha Rakshak Aghadi & Anr. v. State of Maharashtra & anr. (2002) 4 MHJL 758.

5. Reading the relevant provisions of the Act and the Scheme, it is clear that for getting the benefits of the Act, the Petitioner's members have to get themselves registered with the Board. The Learned Counsel for the petitioner stated that they would make an appropriate application for getting registration with the Board. Such an application will be made within ten days from today. The Board will consider the same, and take an appropriate decision in

accordance with law, keeping in mind the provisions of the Act and the Scheme as amended from time to time.

6. The Learned Counsel for respondent No.2 stated that respondent No.2 has also not got itself registered as required by law. He, however, stated that respondent No.2 would make such application within ten days from today. Let such application be made and the Board take an appropriate decision thereon. Thereafter, the Board would follow the provisions of the Act and the Scheme by supplying Security Guards.

7. It is needless to say that as far as possible, while allotting the services of the Security Guards, the Board will keep in mind the fact that the Security Guards whose names are shown at Exhibit A" were working with the 2nd respondent. The Board will try to accommodate them as far as possible.

8. Ad-interim relief granted by this Court will continue against respondent No.1 till the disposal of the applications of the petitioner as well as of respondent No.2 by the Board.

9. The order passed by us will apply to all the respondents.

Rule is made absolute in the above terms. No costs.

S.RADHAKRISHNAN, J.

DR.D.Y.CHANDRACHUD, J.